

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH PAUL GUARNERI, 05B0213,

Plaintiff,

-v-

DECISION AND ORDER
09-CV-6311L

HENRY LEMONS, NYS Division of Parole Chairman;
JOHNHOWAN, NYS Division of Parole area Supervisor;
GENTILE, NYS Division of Parole area Supervisor;
Officer B. RODIN, NYS Division of Parole Senior Parole Officer;
REESE, NYS Division of Parole Officers;
COOPER, NYS Division of Parole Officers;
SKINNER, NYS Division of Parole Officers;
MIRA LAMISS, NYS Division of Parole Officers;
B. LUDNEY, NYS Division of Parole Officers;
MARK SNYDER, NYS Division of Parole Revocation Specialist;
SARAH BRUNO-ROBECHARD, Atmont Program Counselor;
SCOTT, Parole Stabilization Unit Director;
JAMES CONWAY, Attica Correctional Facility Superintendent;
GEORGE STRUEBLE, Attica Correctional Facility Grievance Supervisor;
D. REYNOLD, Attica Correctional Facility Deputy Superintendent of Program;
SCOTT J. CLAIR, Attica Correctional Facility Chief Forensic;
ED WING, Attica Correctional Facility Mental Health Counselors;
C. MURPHY, Attica Correctional Facility Mental Health Counselors;
MARY HEBERMAN, Attica Correctional Facility Mental Health Nurse
and JIFFY BISHOP, Attica Correctional Facility Mental Health Counselor;



Defendants.

Plaintiff was directed by the Court to provide information on which the Court could base its determination of plaintiff's request to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Plaintiff was directed complete the required prison certification section of the application form, which section must be completed and signed by a prison official and without which the Court cannot grant the request and put the case forward. Plaintiff has filed another application

to proceed *in forma pauperis*, which again contains a certification which is has not been completed by prison officials. In addition, despite being provided a new application form by the Clerk of Court with an authorization form authorizing the release of the \$350 filing fee necessary to commence this action, plaintiff has again submitted an application authorizing the release of \$250.

Because plaintiff has ignored a Court Order, the Court could deny his application to proceed without prepayment of the fee. However, plaintiff will be granted one additional opportunity to properly complete an application to proceed *in form pauperis*. The Clerk of the Court is directed to send plaintiff one additional form application to proceed as a poor person. By **August 26, 2009**, plaintiff must either submit the supplemental application form with a completed and signed prison certification or pay the full filing fee of \$350.00. Plaintiff is forewarned that failure to comply with this order by either submitting the supplemental application with a signed certification section or paying the filing fee by the designated date will result in the dismissal of this case without prejudice.

If plaintiff has not complied with this order by **August 26, 2009**, the Clerk of the Court is directed to close this case as dismissed without prejudice without further order.

IT IS SO ORDERED.



HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated:

July 28, 2009